

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ERIK C. SABO,

Plaintiff,

Case No. 22-cv-1267-pp

v.

KILOLO KIJAKAZI,

Defendant.

**ORDER DENYING MOTION FOR LEAVE TO PROCEED WITHOUT
PREPAYMENT OF THE FILING FEE (DKT. NO. 3)**

The plaintiff has filed a complaint seeking judicial review of a final administrative decision denying his claim for disability insurance benefits under the Social Security Act. Dkt. No. 1. He also filed a motion for leave to proceed without prepaying the filing fee. Dkt. No. 3.

To allow the plaintiff to proceed without paying the filing fee, the court first must decide whether the plaintiff can pay the fee; if not, it must determine whether the lawsuit is frivolous. 28 U.S.C. §§1915(a) and 1915(e)(2)(B)(i).

Based on the facts in the plaintiff's affidavit, the court concludes that he has the ability to pay the filing fee. The plaintiff's request indicates that he is not employed, he is not married, and he has no dependents he is responsible for supporting. Dkt. No. 3 at 1. The plaintiff lists no income, he has monthly expenses of \$1,416 (\$200 credit card payments, \$860 other household expenses, \$50 gas, \$235 property taxes, \$71 homeowners insurance). *Id.* at 2-

3. The plaintiff owns his home, valued at approximately \$150,000, free and clear and he owns no other property of value. *Id.* at 3-4. The plaintiff states, “I had inherited my aunt’s house and money from her will that I have used for upkeep of the house and for my expenses for the last four years.” *Id.* at 4. However, the plaintiff indicates that he has approximately \$6,000 in cash or in savings or checking accounts. *Id.* at 3. The plaintiff has demonstrated that he has the disposable income to pay the \$350 filing fee and \$50 administrative fee.

Because the court concludes that the plaintiff has the ability to pay the filing fee, it need not determine whether the case is frivolous.

The court **DENIES** the plaintiff’s motion for leave to proceed without paying the filing fee. Dkt. No. 3. The court **ORDERS** that the plaintiff shall pay the \$402 filing fee by the end of the day on **November 10, 2022**. If the court does not receive the fee in full by the end of the day on November 10, 2022, the court will dismiss the case on the following business day without further notice or hearing, for failure to pay the required filing fee.

Dated in Milwaukee, Wisconsin this 27th day of October, 2022.

BY THE COURT:



HON. PAMELA PEPPER
Chief United States District Judge